

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. 5:24-cv-00902-KK-SHK

Date: August 15, 2024

Title: *Lynn Macy v. CSA 18 Special Districts Public Works*

Present: The Honorable Shashi H. Kewalramani, United States Magistrate Judge

D. Castellanos

Deputy Clerk

Not Reported

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

**Proceedings (IN CHAMBERS): ORDER DENYING PLAINTIFF'S REQUEST TO
ACCEPT SECOND AMENDED COMPLAINT [ECF NO. 33] AND STRIKING SECOND AMENDED
COMPLAINT [ECF NO. 31]**

On April 26, 2024, Plaintiff Lynn Macy (“Plaintiff”) filed a complaint (“Complaint”) against Defendant CSA 18 Special Districts Public Works (“Defendant”). ECF No. 1, Compl. On May 30, 2024, Plaintiff filed a First Amended Complaint (“FAC”). ECF No. 11, FAC. On June 20, 2024, Defendant filed a Motion to Dismiss (“MTD”) the FAC. ECF No. 15, MTD.

On July 1, 2024, Plaintiff filed a document titled “First Amended Complaint[,]” ECF No. 20, which the Court construed as Plaintiff’s attempt to file a Second Amended Complaint (“SAC”). On July 10, 2024, the Court struck the SAC because Plaintiff failed to seek leave to amend the FAC pursuant to Federal Rule of Civil Procedure (“Rule”) 15. ECF No. 23, Order Striking SAC.

On July 21, 2024, Plaintiff filed a Motion for Summary Judgment (“MSJ”). ECF No. 28, MSJ. On July 29, 2024, the Court denied Plaintiff’s MSJ without prejudice, pending resolution of Defendant’s MTD. ECF No. 30, Order Denying Plaintiff’s MSJ Without Prejudice. That same day, Plaintiff, again, attempted to file a SAC, ECF No. 31, and on August 5, 2024, Defendant objected to Plaintiff filing the SAC, ECF No. 32.

On August 8, 2024, Plaintiff filed a Request to Accept the SAC, in which Plaintiff seeks leave to amend the FAC pursuant to Rule 15. ECF No. 33, Request to Accept SAC at 1.

Here, the Court has already instructed Plaintiff it would rule on Defendant's MTD regarding the FAC. ECF No. 30, Order Denying Plaintiff's MSJ Without Prejudice at 2. Plaintiff, however, now attempts to file a SAC anyway. Because the Court has already instructed Plaintiff of its intent to rule on Defendant's MTD, the Court hereby **DENIES** Plaintiff's Request to Accept SAC, ECF No. 33, and **STRIKES** the SAC, ECF No. 31, from the docket. Plaintiff should refrain from filing any further amended complaints until the Court issues a final ruling on Defendant's MTD and provides Plaintiff with leave to amend the FAC.

IT IS SO ORDERED.